

ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,

Complainant,

v.

MALACHY DEHENRE, M.D.

Respondent.

)
)
) **BEFORE THE MEDICAL LICENSURE**
) **COMMISSION OF ALABAMA**
)

)
) **CASE NO. 04-001 & 04-012**
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ORDER

This matter is before the Medical Licensure Commission on a request for reinstatement of license heretofore filed by Malachy Malvin Dehenre, M.D. On September 25, 2006, the Commission entered an Order requiring Dr. Dehenre to appear and show cause why such request should not be denied. A hearing was scheduled for January 23, 2007 at 1:00 p.m. Dr. Dehenre was duly notified of the time and place of such hearing. Dr. Dehenre failed to appear for the scheduled hearing. Accordingly, it is the Order of the Medical Licensure Commission that the request for reinstatement of license filed by the Respondent be and the same is hereby DENIED.

ENTERED this 30th day of January, 2007.



JERRY N. GURLEY, M.D., Chairman
Medical Licensure Commission of Alabama

ALABAMA STATE BOARD OF)
MEDICAL EXAMINERS,)
)
Complainant,)
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v.)
)
MALACHY MALVIN DEHENRE, M.D.)
)
Respondent)

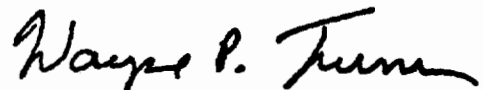
BEFORE THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

CASE NUMBER 04-001 & 04-012

ORDER TO SHOW CAUSE

This matter is before the Medical Licensure Commission on a request for reinstatement of license filed by MALACHY MALVIN DEHENRE, M.D. Accordingly it is the ORDER of the Medical Licensure Commission that Dr. Dehenre appear before the Medical Licensure Commission and show cause, if any he has, why such request for reinstatement should not be denied.

ENTERED this 25th day of September, 2006.



Wayne P. Turner, Hearing Officer
Medical Licensure Commission
State of Alabama

**ALABAMA STATE BOARD OF
MEDICAL EXAMINERS**

Complainant,

v.

MALACHY DEHENRE, M.D.

Respondent.

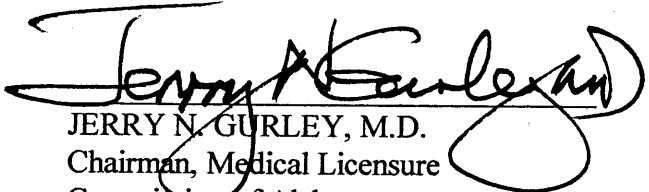
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**BEFORE THE MEDICAL
LICENSURE COMMISSION
OF ALABAMA**

CASE NO. 00-001

ORDER

The Application for Rehearing heretofore filed by Malachy Dehenre, M.D. having been read and considered by the Medical Licensure Commission, is hereby DENIED.


JERRY N. GURLEY, M.D.
Chairman, Medical Licensure
Commission of Alabama

**ALABAMA STATE BOARD OF
MEDICAL EXAMINERS**

Complainant,

v.

MALACHY DEHENRE, M.D.

Respondent.

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**BEFORE THE MEDICAL
LICENSURE COMMISSION
OF ALABAMA**

CASE NO. 04-001

04-012

ORDER

This matter is before the Medical Licensure Commission of Alabama upon an Administrative Complaint and a Second Administrative Complaint and Petition for Summary Suspension of License filed by the Alabama State Board of Medical Examiners. On July 23, 2004, the Medical Licensure Commission entered an order temporarily suspending the license to practice medicine in Alabama of the Respondent, Malachy Dehenre, M.D. A hearing was held on October 22, 2004. Dr. Dehenre was present, together with his attorney, David Gespass, Esq. Patricia E. Shaner, Esq. and James R. Cooper, Esq. represented the Board of Medical Examiners. Wayne P. Turner, Esq. served as Hearing Officer.

Based upon the evidence presented, the Medical Licensure Commission makes the following findings of fact:

1. The Board of Medical Examiners presented evidence regarding elective abortions performed by Dr. Dehenre on four patients, hereinafter referred to as Patient 1, Patient 2, Patient 3, and Patient CW. All of the procedures were second trimester abortions.

2. The Medical Licensure Commission heard testimony from Patient 2, Patient 3, and the husband of Patient 1. In addition, testimony was presented by emergency medical technicians, physicians who treated the patients after the abortions, staff members from the two clinics where Dr. Dehenre worked, and experts who reviewed the records.

3. With regard to Patient CW, the Medical Licensure Commission finds:

a. On March 29, 2002, Dr. Dehenre performed an elective abortion at Summit Medical Center in Birmingham, Alabama. There were two fetuses, one with an estimated gestational age of 22 weeks and 3 days and the other with an estimated gestational age of 19 weeks and 5 days.

b. During the procedure, Patient CW began to bleed excessively. The Birmingham Fire and Rescue Department was summoned and, upon arrival, EMTs found the patient to be unresponsive, not on oxygen or a cardiac monitor and bleeding heavily from the vagina. She appeared to have lost a significant amount of blood, but was not being monitored in any way, nor was any form of emergency treatment being rendered either by Dr. Dehenre or the staff.

c. The EMTs were directed to transport the patient by way of a steep stairway and back door. They refused, however, and transported the patient through the safer front entrance. The patient was transported for emergency care at UAB where she was admitted and treated. The diagnoses at admission were hemorrhagic hypovolemic shock, status post-elective abortion and failed elective abortion. She underwent an exploratory laparotomy, a total abdominal hysterectomy, a hypogastric artery ligation and parachute pack placement.

She required 32 units of packed red blood cells, 12 units of frozen plasma and three units of platelets. She was ultimately discharged on April 9, 2002.

d. Dr. Dehenre failed to appropriately recognize that the patient's uterus had been perforated during the abortion procedure. He failed to adequately and appropriately monitor the patient when she showed signs of excessive bleeding and developed hypovolemic shock; he did not have adequate equipment available to obtain necessary IV access; he failed to communicate with the hospital emergency room to which the patient was transported; and he was unaware of the possibility of a perforated uterus despite the fact that the patient had had at least two prior caesarean sections and had copious vaginal bleeding.

4. With regard to Patient 1, the Medical Licensure Commission finds:

a. On November 25, 2003 Dr. Dehenre performed an elective abortion on Patient 1 at the Summit Medical Center in Birmingham, Alabama. The gestational age of the fetus was approximately 17.4 weeks.

b. Patient 1 was discharged from Summit approximately 20 minutes after the procedure was completed. Less than six hours after being discharged from Summit, Patient 1's husband contacted Summit and reported that she had developed abdominal pain and low temperature. He was not told to seek additional medical care. The patient was later found by her husband on the floor, unresponsive, and was transported by emergency services to Medical Center East Emergency Room in Birmingham, Alabama. She was pronounced dead approximately 17-18 hours after being discharged from Summit.

c. According to the autopsy report, the patient had suffered a uterine perforation with massive hemorrhage.

d. The patient sustained an unrecognized uterine perforation during the abortion procedure by Dr. Dehenre. Dr. Dehenre failed to recognize that the uterine perforation had occurred and he failed to properly treat the consequences, hemorrhage and hypovolemic shock, which resulted in the patient's death.

5. With regard to Patient 2 the Medical Licensure Commission finds:

a. On March 20, 2003 Dr. Dehenre performed an elective abortion procedure on Patient 2. During the procedure, the patient began hemorrhaging uncontrollably. She was subsequently transported to the emergency room at the University of Mississippi Medical Center in Jackson, Mississippi by emergency personnel. They were made to wait about 10 minutes before being allowed access to the patient..

b. The patient was admitted to UMMC due to shock and uncontrollable hemorrhaging. An examination revealed a uterine perforation which had severed the uterine artery. The patient underwent a second surgery and ultimately required a total hysterectomy to stop the uncontrollable hemorrhaging.

c. The gestational age of the fetus at the time of the abortion was estimated at 16 weeks or greater.

d. Dr. Dehenre failed to notify UMMC or the UMMC Emergency Room physicians concerning the inbound medical emergency in order for the emergency room to accept the patient and provide for her arrival.

e. Dr. Dehenre failed to provide for proper monitoring of the patient. The patient was unstable at the time of transfer to UMMC, and the transfer was made without proper notification by Dr. Dehenre to the Emergency Room staff.

6. With regard to Patient 3 the Medical Licensure Commission finds the following:

a. On June 8, 2000, Dr. Dehenre performed an elective abortion procedure on Patient 3 at the New Woman Medical Center, Jackson, Mississippi. The gestational age of the fetus at the time of the abortion was approximately 15 weeks.

b. The patient was discharged immediately after the procedure. Shortly thereafter the patient began to experience excessive bleeding. The clinic was informed of the bleeding but made no attempt to followup with the patient.

c. The patient was transported to Central Mississippi Medical Center in Jackson, Mississippi, where she underwent a surgical procedure to stop the heavy bleeding. A total abdominal hysterectomy was performed in order to save her life.

d. It was determined that the patient had marked hemorrhage secondary to uterine perforation which occurred at the time of the abortion procedure.

e. Dr. Dehenre failed to recognize that he had perforated the patient's uterus. Further, Dr. Dehenre had no after-hours call mechanism in place in order to deal with complications such as experienced by the patient.

7. With regard to the four patients who are the subject of this order, Dr. Dehenre failed to recognize that uterine perforations had occurred. He failed to provide adequate care and follow up services necessary to treat the complications caused by the perforations. He

failed to follow up and check on the condition and continuing health status of the patients.

Based upon the foregoing findings of fact, the Medical Licensure Commission makes the following conclusions of law:

1. Dr. Dehenre has practiced medicine in such a manner as to constitute immoral, unprofessional or dishonorable conduct, a violation of §34-24-360(2) Code of Alabama (2002).

2. Dr. Dehenre has practiced medicine in such a manner as to endanger the health of his patients, a violation of §34-24-360(3) Code of Alabama (2002).

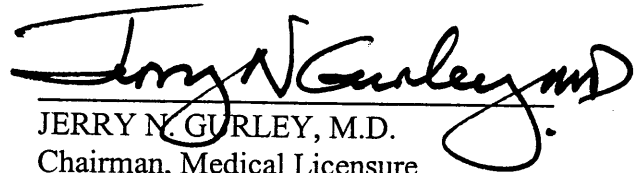
3. Dr. Dehenre has practiced medicine in such a manner as to constitute gross malpractice, a violation of §34-24-360(9) Code of Alabama (2002).

Based upon the foregoing findings of fact and conclusions of law, it is the Order of the Medical Licensure Commission that the license to practice medicine in Alabama of the Respondent, Malachy Dehenre, M.D. be and the same is hereby INDEFINITELY SUSPENDED. No hearing shall be held on any application to lift the suspension until more than one year after the date of this Order. In addition, in order to be considered for reinstatement, Dr. Dehenre shall accomplish the following:

1. Dr. Dehenre shall pay an administrative fine in the amount of \$20,000.00.
2. Dr. Dehenre shall obtain a minimum of 40 hours of Category I Continuing Medical Education in recognizing and managing postoperative complications.
3. Dr. Dehenre shall obtain a minimum of 12 hours of Continuing Medical Education in recognizing breaches in medical ethics.

4. Dr. Dehenre shall arrange to teach a 12 hour course in complying with medical ethics.

DONE this 15th day of December, 2004.


JERRY N. GURLEY, M.D.
Chairman, Medical Licensure
Commission of Alabama

practice of MALACHY DEHENRE, M.D., may constitute an immediate danger to his patients and the public.

It is the further ORDER of the Medical Licensure Commission that the Administrative Complaint of the Alabama State Board of Medical Examiners be, and the same is hereby, set for hearing on the 22nd day of September, 2004, at 9:30 a.m., at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama.

The said MALACHY DEHENRE, M. D., is ORDERED to appear before the Commission at the aforesaid time and date there to answer the allegations of the Administrative Complaint filed by the Alabama State Board of Medical Examiners.

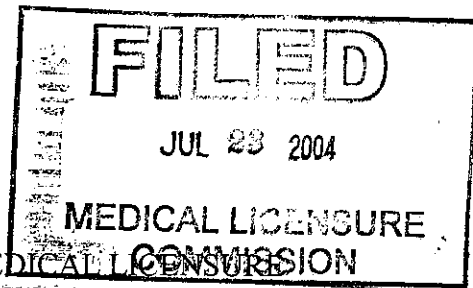
It is the further ORDER of the Commission that a copy of the verified Administrative Complaint of the Alabama State Board of Medical Examiners and a copy of this order shall be forthwith served upon the said MALACHY DEHENRE, M. D., by personally delivering the same to him at his office or at his residence or such place as he may be found in the State of Alabama, or by certified mail, return receipt requested, to his last known address if he cannot be found in the State of Alabama. The Commission further directs that the service of process shall be made by Jeff Shinsley, who is designated as the duly authorized agent of the Medical Licensure Commission.

The Honorable Wayne P. Turner is hereby designated as hearing officer in this matter. It is further ordered that the parties and their attorneys immediately check their calendars for scheduling conflicts. No requests for continuance based upon schedule conflicts of attorneys or parties will be considered unless such request is made prior to August 24, 2004

ORDERED at Montgomery, Alabama, this 28th day of July, 2004.

A handwritten signature in black ink, appearing to read "Jerry N. Gurley M.D.", written over a horizontal line.

Jerry N. Gurley, M.D., Chairman
Medical Licensure Commission of Alabama



ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,

Complainant,

VS.

MALACHY DEHENRE, M. D.

Respondent.

BEFORE THE MEDICAL COMMISSION
COMMISSION OF ALABAMA

CASE NO. 04-012

SECOND ADMINISTRATIVE COMPLAINT AND
PETITION FOR SUMMARY SUSPENSION OF LICENSE

Comes now the Alabama State Board of Medical Examiners, and submits herein its sworn petition pursuant to the authority of Ala. Code §§34-24-361(e) and (f)(2002) and respectfully submits to the Medical Licensure Commission the following:

1. On the 23rd day of June, 1999, the Respondent, MALACHY DEHENRE, M. D., was licensed to practice medicine in the State of Alabama, having been issued license number MD.00022722.

2. The Board of Medical Examiners has conducted an investigation into the medical practice of Dr. Dehenre, and based upon that investigation has concluded there exists probable cause to believe that the Respondent, MALACHY DEHENRE, M. D., has committed the following violation of Ala. Code §34-24-360(2002):

- a. Engaged in unprofessional conduct as defined in the Rules and Regulations of the Medical Licensure Commission, a violation of Ala. Code §34-24-360(2);
- b. Practiced medicine in such a manner as to endanger the health of patients, a violation of Ala. Code §34-24-360(3);
- c. Gross malpractice or repeated malpractice or gross negligence in the practice of medicine, a violation of Ala. Code §34-14-360(9); and

- d. Being unable to practice medicine or osteopathy with reasonable skill and safety to patients by reason of a demonstrated lack of clinical competency, a violation of Ala. Code §34-2-360(20).

3. In support of the allegations of the violations of Ala. Code §§34-24-360(2), (3), (9) and (20), the Board specifically alleges the following:

a. On November 25, 2003, Patient 1 presented to Summit Medical Center (hereinafter "Summit"), Birmingham, Alabama, for an elective abortion procedure. Patient 1 was at an estimated 17.4 weeks gestational age. The abortion procedure was performed by Dr. Dehenre, and Patient 1 was discharged from Summit approximately 20 minutes after the procedure was completed. Less than six hours after being discharged from Summit, Patient 1's husband contacted the facility and reported that Patient 1 had developed abdominal pain and low temperature. Later, Patient 1's husband found her unresponsive on the bathroom floor, 911 was called, and emergency medical services transported Patient 1 to Medical Center East Emergency Room in Birmingham, Alabama. The patient was pronounced dead at Medical Center East approximately 17-18 hours after being discharged from Summit. The autopsy report showed uterine perforation with massive hemorrhage. Patient 1 sustained an unrecognized uterine perforation during the abortion procedure by Dr. Dehenre at Summit. Subsequent hemorrhagic shock led to her ultimate demise. Dr. Dehenre's deficient surgical technique and clinical skills regarding performance of the abortion procedure which resulted in uterine perforation and Dr. Dehenre's failure to recognize the uterine perforation and properly treat the consequences, which were hemorrhage and hypovolemic shock, resulted in the death of Patient 1.

b. On or about March 20, 2003, Patient 2 presented at the New Woman Medical Center, Jackson, Mississippi, for an elective abortion procedure which was performed by Dr.

Dehenre. During the abortion procedure, Patient 2 began hemorrhaging uncontrollably, and she was subsequently transported by ambulance to the Emergency Room of the University of Mississippi Medical Center (UMMC), Jackson, Mississippi. Patient 2 was admitted to UMMC due to shock and uncontrollable hemorrhaging. An examination performed by UMMC physicians revealed a uterine perforation which severed the uterine artery. Patient 2 underwent a second surgery, requiring, ultimately, that the patient have a total hysterectomy to stop the uncontrollable hemorrhaging. At the time of the abortion procedure, Patient 2 was at an estimated 16 weeks or greater gestational age. Dr. Dehenre failed to notify UMMC or the UMMC Emergency Room physicians concerning the inbound medical emergency in order for the Emergency Room to accept the patient and provide for her arrival. Dr. Dehenre failed to allow for proper monitoring of the patient, because there was no Registered Nurse present at the time of the abortion procedure. Patient 2 was unstable at the time of transfer to UMMC, and the transfer of Patient 2 was made without proper notification by Dr. Dehenre to the Emergency Room staff. Concerning the care of Patient 2, Dr. Dehenre demonstrated deficient surgical technique and clinical skills concerning dilatation and curettage as well as dilatation and extraction procedures. There was no after-hours call mechanism to deal with Patient 2's complications which related to the abortion procedure. These deficiencies produced a downward clinical spiral with life-threatening complications for Patient 2.

c. On approximately June 8, 2000, Patient 3 presented at the New Woman Medical Center, Jackson, Mississippi, for an elective abortion procedure which was performed by Dr. Dehenre. Patient 3 was discharged home from the procedure, and she later developed heavy bleeding. Patient 3's grandfather contacted the New Woman Medical Center and expressed

concern regarding Patient 3's excessive bleeding, which had developed subsequent to the elective abortion procedure. The grandfather was informed that, because Patient 3 was at approximately 15 weeks or greater gestational age at the time of the abortion procedure, heavy bleeding was to be expected. There was no attempt at follow-up of this patient by Dr. Dehenre after Patient 3's family had contacted the clinic, relating medical concerns following the termination of pregnancy. Patient 3 was later transported to Central Mississippi Medical Center (CMMC), Jackson, Mississippi, where she underwent a surgical procedure in an attempt to stop the heavy bleeding. Patient 3's bleeding did not respond to the surgical procedure, and a total abdominal hysterectomy was performed in order to save her life. It was determined that Patient 3 had sustained an incomplete abortion with marked hemorrhage secondary to uterine perforation which occurred at the time of the abortion procedure. Dr. Dehenre's deficient surgical technique and clinical skills regarding dilatation and curettage as well as dilatation and extraction procedures resulted in uterine perforation, and Dr. Dehenre had no after-hours call mechanism in place to deal with the complications which were experienced by Patient 3. These deficiencies produced a downward clinical spiral with life-threatening complications, resulting in the hysterectomy for Patient 3.

4. In support of the allegation of the violation of Ala. Code §34-24-360(20), the Board specifically alleges that Dr. Dehenre has shown through a pattern of practice that he is unable to practice medicine with reasonable skill and safety to patients by reason of a demonstrated lack of clinical competency. This lack of clinical competency is demonstrated by the medical care and treatment rendered by Dr. Dehenre to Patients 1, 2 and 3 and by the omissions in medical care to Patients 1, 2 and 3. Additionally, the pattern of lack of clinical

competency by Dr. Dehenre is demonstrated in the medical care and treatment rendered by Dr. Dehenre to patient, CW, who is the subject of the Administrative Complaint in the case, *Alabama State Board of Medical Examiners vs. Malachy Dehenre*, before the Medical Licensure Commission of Alabama, Case No. 04-001, which is currently scheduled for hearing before the Medical Licensure Commission on September 22, 2004, and which is marked and made Exhibit "A" to this Second Administrative Complaint. On information and belief, the Board alleges that, in addition to Patients 1, 2 and 3 and CW, there are a minimum of four (4) additional patients who have undergone elective abortion procedures performed by Dr. Dehenre and who have presented at the University of Mississippi Medical Center under the same or similar circumstances in which Patient 2 presented to that facility. Dr. Dehenre has demonstrated by these abortion procedures performed on these patients that he has deficient surgical technique and clinical skills regarding dilatation and curettage as well as dilatation and extraction procedures and that he is a danger to patients as demonstrated by the life-threatening complications resulting in these patients.

5. In support of the allegation that Dr. Dehenre has committed gross malpractice or repeated malpractice or gross negligence in the practice of medicine, the Board specifically alleges that, concerning the patients noted herein, Dr. Dehenre has failed to meet the minimum standard of care relating to recognition of uterine perforation and proper treatment of the consequences, such as hemorrhage and hypovolemic shock, and relating to appropriate pre-and post-operative monitoring of patients.

6. The Board specifically alleges that Dr. Dehenre has demonstrated, by his actions and omissions concerning the medical care rendered to the patients noted herein, a pattern of medical practice which endangers the health of patients.

7. The Board specifically alleges that Dr. Dehenre, by his acts and omissions concerning the medical care rendered to the patients noted herein, has engaged in behavior which is harmful to patients and to the health, safety and welfare of the public and which violates the high standards of ethical integrity demanded from physicians licensed to practice medicine in Alabama. Dr. Dehenre has not responded in cases of emergency concerning his patients, and he has neglected his patients. Dr. Dehenre has been unresponsive to his patients by not giving timely attention to the needs of his patients. Dr. Dehenre has violated his ethical obligation to cooperate in the coordination of medically-indicated care with other healthcare providers treating Dr. Dehenre's patients. Dr. Dehenre has violated his ethical obligation to place the patient's welfare above his own self-interest. Dr. Dehenre has failed in his ethical obligation to use sound medical judgment and to hold the best interest of the patient as paramount.

8. The Board of Medical Examiners hereby finds and certifies to the Medical Licensure Commission of Alabama that the Board has in its possession evidence which shows that the continuation in practice of Dr. Dehenre constitutes an immediate danger to any patients and to the public.

Wherefore, the foregoing premises considered, the Alabama Board of Medical Examiners respectfully requests that the Medical Licensure Commission, pursuant to its authority under Ala. Code §§34-24-360(f) and 41-22-19(d) (1975), immediately suspend the license to practice medicine of MALACHY DEHENRE, M. D., without a hearing, and order that Dr. Dehenre

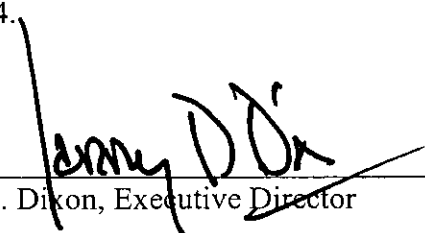
immediately cease and desist the practice of medicine in the State of Alabama and surrender to the Medical Licensure Commission of Alabama or a designated agent his license to practice medicine in Alabama, and any inventory of controlled substances which may be in the possession of Dr. Dehenre.

Further, the Board of Medical Examiners requests that the Medical Licensure Commission set a hearing upon this Administrative Complaint, and order that the Respondent, MALACHY DEHENRE, M. D., appear and answer the allegations contained in this complaint, in accordance with the rules and regulations of the Medical Licensure Commission. Further, the Board requests that, at the conclusion of the hearing, the Commission revoke the license to practice medicine of the Respondent and/or take such other actions as the Commission may deem appropriate based upon the evidence presented for its consideration.

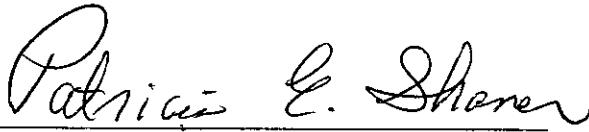
The Board of Medical Examiners is presently continuing the investigation of the Respondent and said investigation may result in additional charges being filed as an amendment to this Administrative Complaint.

This Administrative Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board as contained in its resolution of July 21, 2004, a copy of which is attached hereto and incorporated herein.

EXECUTED this 23rd day of July, 2004.



Larry D. Dixon, Executive Director

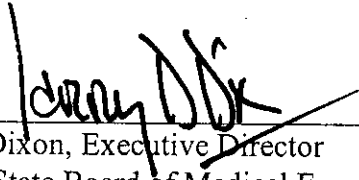


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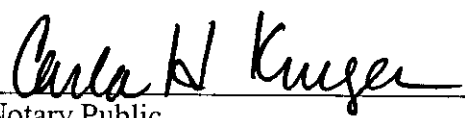
STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama Board of Medical Examiners, has executed the contents of the foregoing complaint and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.



Larry D. Dixon, Executive Director
Alabama State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 23rd day of July, 2004.



Notary Public
My Commission Expires: 10-1-07

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

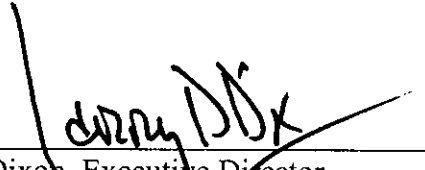
A F I D A V I T

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

The Alabama State Board of Medical Examiners session on July 21, 2004, a quorum of the members of the Board being present, conducted an investigation into the medical practice of Malachy Dehenre, M. D., and at the conclusion of the discussion, the Board adopted the following resolution:

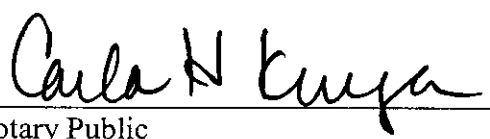
Malachy Dehenre, M. D., Birmingham. The Credentials Committee recommended filing an Administrative Complaint with the Medical Licensure Commission requesting a summary suspension on the grounds of unprofessional conduct, practicing medicine in such a manner as to endanger the health of patients, gross malpractice or repeated malpractice or gross negligence in the practice of medicine, and being unable to practice medicine or osteopathy with reasonable skill and safety to patients by reason of a demonstrated lack of clinical competency. The motion was adopted.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 21st day of July, 2004.



Larry D. Dixon, Executive Director
Alabama State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 23rd day of July, 2004.



Notary Public
My Commission Expires: 10 - 1 - 04

FILED
JAN 27 2004
MEDICAL LICENSURE
COMMISSION

1. On the 23rd day of June, 1999, the Respondent, MALACHY DEHENRE, M.D., was licensed to practice medicine in the State of Alabama, having been issued license number 00022722 .
2. The Board of Medical Examiners, hereinafter the "Board," after extensive investigation into the medical practice of the Respondent, MALACHY DEHENRE, M.D., has concluded there exists probable cause to believe that he has committed the following violations of §34-24-360, Code of Alabama (2002):
 - a. The Respondent practiced medicine in such a manner as to constitute immoral, unprofessional or dishonorable conduct as defined in Section §34-24-360 (2), Code of Alabama, (2002) or in the rules and regulations promulgated by the Commission.
 - b. The Respondent practiced medicine in such a manner as to endanger the health of a patient of the practitioner, a violation of § 34-24-360 (3), Code of

Alabama (2002).

- c. The Respondent practiced medicine in such a manner as to constitute gross malpractice or repeated malpractice or gross negligence in the practice of medicine, a violation of §34-24-360 (9), Code of Alabama (2002).
3. In support of the allegation that the Respondent has practiced medicine in such a manner as to constitute immoral, unprofessional or dishonorable conduct as defined in §34-24-360 (2) or in the rules and regulations promulgated by the Commission, the Board alleges the following:
- a. On or about March 16, 2002, CW, a patient at the Summit Medical Center (henceforth "Summit") in Birmingham, Alabama, signed a consent form and authorization for an elective abortion procedure. The ultrasound report estimated the gestational age to be 20 weeks, three days.
 - b. On or about March 29, 2002, CW filled out paperwork and consent forms for the voluntary termination of a second trimester abortion at Summit. According to the ultrasound report of March 29, 2002, it was noted there were two fetuses: Fetus A with an estimated gestational age of 22 weeks and three days; Fetus B with an estimated gestational age of 19 weeks and five days.
 - c. At approximately 5:10 P.M. on March 29, 2002, four Laminaria were inserted into the patient and digoxin was injected into the fetuses.
 - d. At approximately 7:40 A.M. on March 30, 2002, CW was started on an IV of DSLR 20 pitocin and # 22 angiocath. At approximately 9:38:28 A.M., Engine 3 of the Birmingham Fire and Rescue Department was dispatched to

Summit. One second later Engine 2 was also dispatched. Upon arrival, personnel with both Engines found the patient, CW, unresponsive, not on oxygen or a cardiac monitor and bleeding heavily from the vagina. A significant amount of blood was on the floor. The patient was not hooked to a pulse oximeter. She appeared to have lost a significant amount of blood. The patient, CW, was not being monitored in any way, and there was no form of emergency treatment being rendered by either Dr. Dehenre or the nurses present.

- e. Dr. Dehenre was the physician performing the elective abortion procedure, and he was the physician in charge of the care of the patient, CW, at Summit at that time.
- f. Dr. Dehenre and staff at Summit directed the Birmingham Fire and Rescue crews to transport the patient, CW, by way of a steep stairway and back door to the ambulance. The crews of Rescue 2 and 3 refused to do so because that route was the more dangerous and difficult for CW and those crews. Instead, they transported the patient through the front entrance to the ambulance.
- g. The patient, CW, was transported for emergency care to UAB. She was admitted to the services of Richard Davis, M.D., surgeon. Diagnoses at admission were hemorrhagic hypovolemic shock, status post-elective abortion reportedly for 22 week gestation and failed elective abortion. The patient, CW, underwent at UAB an exploratory laparotomy, a total abdominal hysterectomy, a hypogastric artery ligation and parachute pack placement. She required 32 units of packed red blood cells, 12 units of fresh frozen

plasma and three units of platelets. She was in very critical condition at the time of removal from the operating room. She was discharged on April 9, 2002.

- h. Dr. Dehenre was not prepared for the type of severe complications experienced by patient, CW.
 - i. Dr. Dehenre was deficient in not monitoring the patient appropriately when she showed signs of excessive bleeding and developed hypovolemic shock. Dr. Dehenre did not have adequate equipment to obtain necessary IV access in an emergency situation such as CW experienced because 22 gauge needles were the largest available.
 - j. Dr. Dehenre failed to communicate with the hospital emergency room to which CW was transported.
 - k. Dr. Dehenre failed to protect and promote the safety and welfare of his patient when he directed the Rescue crews to use back stairs as opposed to the front elevator.
 - l. Dr. Dehenre was unaware of the possibility of a perforated uterus despite the fact that CW had at least 2 prior C-sections and had copious vaginal bleeding.
 - m. In summary, all of the facts stated herein show actions and omissions by Dr. Dehenre which were detrimental and harmful to patient, CW, and which violated the standards of medical diligence and prudence demanded of physicians licensed to practice medicine in Alabama.
4. In support of the allegation that the Respondent practiced medicine in such a manner as to endanger the health of the patient of the practitioner in violation of § 34-24-360

(3), Code of Alabama (2002), the Board alleges the following:

- a. The Board reasserts the facts stated in paragraphs 3 (a) through 3 (l) herein.
- b. In summary, the actions and omissions of Dr. Dehenre concerning the medical care he rendered to patient, CW, exposed CW to unreasonable risks of harm which were not medically justified by the expected benefits to the patient.

5. In support of the allegation that the Respondent practiced medicine in such a manner as to constitute gross malpractice or repeated malpractice or gross negligence in violation of §34-24-360 (9), Code of Alabama (2002), the Board alleges the following:

- a. The Board reasserts the facts stated in paragraphs 3 (a) through 3 (l) herein.
- b. The actions and omissions of Dr. Dehenre concerning the medical care he rendered to the patient, CW, show that Dr. Dehenre failed to do that which a reasonably prudent physician would have done under the same or similar circumstances, that he did what a reasonably prudent physician would not have done under the same or similar circumstances and that his actions were done and omissions made with a conscious disregard of the known dangers to the patient, CW, and with careless and reckless indifference to the consequences of his acts and omissions. In summary, the medical care rendered to patient, CW, by Dr. Dehenre was below the standard of care expected of physicians licensed to practice medicine in Alabama and was rendered with conscious disregard of known dangers to the patient, CW, and with careless and reckless indifference to those dangers.

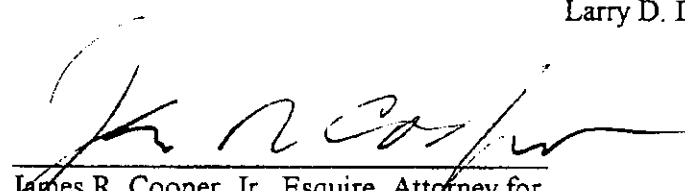
Wherefore, the foregoing premises considered, the Board respectfully requests that the Medical Licensure Commission take jurisdiction of this Administrative Complaint, set a hearing thereon, and order that the Respondent, MALACHY DEHENRE, M.D. appear and answer the allegations contained in this complaint, in accordance with the rules and regulations of the Medical Licensure Commission. Further, the Board requests that at the conclusion of the hearing, the Commission revoke the license to practice medicine of the Respondent for violation of the Code Sections cited previously and/or take such other actions as the Commission may deem appropriate based on the evidence presented for its consideration.

This Administrative Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board as contained in its resolution of December 17, 2003, a copy of which is attached hereto and incorporated herein.

EXECUTED this 26th day of Jan., 2004.



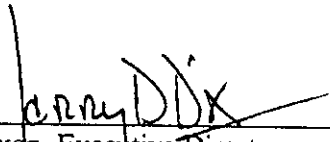
Larry D. Dixon, Executive Director



James R. Cooper, Jr., Esquire, Attorney for
the Alabama Board of Medical Examiners
P. O. Box 946
Montgomery, AL 36101-0946
Telephone # (334) 242-4116


STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama Board of Medical Examiners, has executed the contents of the foregoing complaint and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.



Larry D. Dixon, Executive Director
Alabama State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 26th day of Jan, 2004.



Notary Public
My Commission Expires: 10-1-07

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

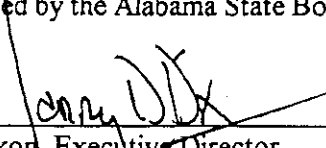
A F F I D A V I T

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

The Alabama State Board of Medical Examiners in session on December 17, 2003, a quorum of the members of the Board being present, conducted an investigation into the medical practice of MALACHY DEHENRE, M.D., and at the conclusion of the discussion, the Board adopted the following resolution:

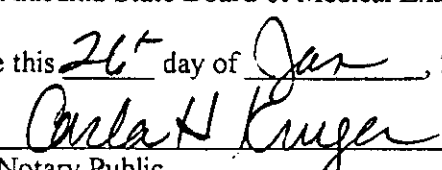
MALACHY DEHENRE, M.D., Birmingham. The Credentials Committee recommended filing an Administrative Complaint with the Medical Licensure Commission based on unprofessional conduct, gross negligence and practicing medicine in such a manner as to endanger the health of the patient. The motion was adopted.

I further certify that the foregoing resolutions were adopted by the Alabama State Board of Medical Examiners on the 17th day of December, 2003.



Larry D. Dixon, Executive Director
Alabama State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 26th day of Jan, 2004.



Notary Public

My Commission Expires: 10-1-07

ALABAMA STATE BOARD OF)	
MEDICAL EXAMINERS,)	
)	BEFORE THE MEDICAL LICENSURE
Complainant,)	COMMISSION OF ALABAMA
)	
v.)	
)	CASE NO. 04-001
MALACHY DEHENRE, M.D.)	
)	
Respondent.)	

ORDER SETTING HEARING

The Medical Licensure Commission has received the verified Administrative Complaint of the State Board of Medical Examiners filed in this cause. The Commission has determined that this matter is due to be set down for hearing under the provisions of §34-24-361, Code of Alabama 1975.

Accordingly, it is the Order of the Commission that this matter be set for hearing before the Commission on the 21st day of April, 2004 at 9:30 o'clock in the ____m. at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama. The Respondent, Malachy Dehenre, M.D., is directed to respond to the allegations of the verified Complaint in the manner prescribed in Rule 545-X-3-.03 of the Rules and Regulations of the Medical Licensure Commission.

This hearing shall be conducted in accordance with §34-24-361(e), Code of Alabama 1975 and Chapter 3 of the Rules and Regulations of the Medical Licensure Commission concerning hearings in contested cases. The Respondent is entitled to be present at the hearing and to be represented by counsel, is entitled to cross examine witnesses presented by the

Complainant, and is entitled to present testimony and other evidence touching on the allegations contained in the Complaint.

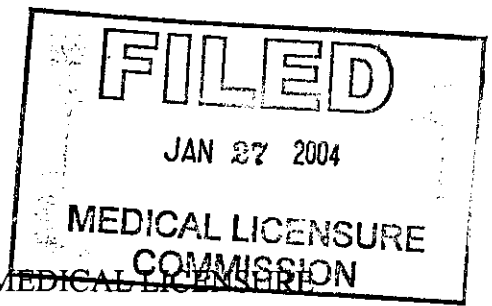
The Honorable Wayne Turner, attorney at law, is hereby appointed to act as Hearing Officer under the authority of Rule 545-X-3-.08 of the Rules and Regulations of the Medical Licensure Commission.

It is the further order of the Commission that a copy of the verified Complaint of the Alabama State Board of Medical Examiners and a copy of this Order is forthwith served upon the said Malachy Dehenre, M.D., by personally delivering the same to him if he can be found within the State of Alabama or by certified mail, return receipt requested, to his last known address if he cannot be found within the State of Alabama. The Commission further directs that personal service of process shall be made by Jeff Brinslee, who is designated as the duly authorized agent of the Medical Licensure Commission.

It is further ordered that the parties and their attorneys immediately check their calendars for scheduling conflicts. No requests for continuance based upon schedule conflicts of attorneys or parties will be considered unless such request is made prior to March 23, 2004.

ORDERED at Montgomery, Alabama, this 28th day of January, 2004.

Jerry N. Gurley, M.D.
Jerry N. Gurley, M.D., Chairman
Medical Licensure Commission of Alabama



ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,

Complainant,

VS.

MALACHY DEHENRE, M.D.

Respondent.

BEFORE THE MEDICAL LICE
COMMISSION OF ALABAMA

CASE NO. 04- 001

ADMINISTRATIVE COMPLAINT

Comes now, the Alabama State Board of Medical Examiners, pursuant to the authority of Section 34-24-361(e), Code of Alabama (2002), and respectfully submits to the Medical Licensure Commission the following:

1. On the 23rd day of June, 1999, the Respondent, MALACHY DEHENRE, M.D., was licensed to practice medicine in the State of Alabama, having been issued license number 00022722 .
2. The Board of Medical Examiners, hereinafter the “Board,” after extensive investigation into the medical practice of the Respondent, MALACHY DEHENRE, M.D., has concluded there exists probable cause to believe that he has committed the following violations of §34-24-360, Code of Alabama (2002):
 - a. The Respondent practiced medicine in such a manner as to constitute immoral, unprofessional or dishonorable conduct as defined in Section §34-24-360 (2), Code of Alabama, (2002) or in the rules and regulations promulgated by the Commission.
 - b. The Respondent practiced medicine in such a manner as to endanger the health of a patient of the practitioner, a violation of § 34-24-360 (3), Code of

Alabama (2002).

- c. The Respondent practiced medicine in such a manner as to constitute gross malpractice or repeated malpractice or gross negligence in the practice of medicine, a violation of §34-24-360 (9), Code of Alabama (2002).
3. In support of the allegation that the Respondent has practiced medicine in such a manner as to constitute immoral, unprofessional or dishonorable conduct as defined in §34-24-360 (2) or in the rules and regulations promulgated by the Commission, the Board alleges the following:
- a. On or about March 16, 2002, CW, a patient at the Summit Medical Center (henceforth "Summit") in Birmingham, Alabama, signed a consent form and authorization for an elective abortion procedure. The ultrasound report estimated the gestational age to be 20 weeks, three days.
 - b. On or about March 29, 2002, CW filled out paperwork and consent forms for the voluntary termination of a second trimester abortion at Summit. According to the ultrasound report of March 29, 2002, it was noted there were two fetuses: Fetus A with an estimated gestational age of 22 weeks and three days; Fetus B with an estimated gestational age of 19 weeks and five days.
 - c. At approximately 5:10 P.M. on March 29, 2002, four Laminaria were inserted into the patient and digoxin was injected into the fetuses.
 - d. At approximately 7:40 A.M. on March 30, 2002, CW was started on an IV of DSLR 20 pitocin and # 22 angiocath. At approximately 9:38:28 A.M., Engine 3 of the Birmingham Fire and Rescue Department was dispatched to

Summit. One second later Engine 2 was also dispatched. Upon arrival, personnel with both Engines found the patient, CW, unresponsive, not on oxygen or a cardiac monitor and bleeding heavily from the vagina. A significant amount of blood was on the floor. The patient was not hooked to a pulse oximeter. She appeared to have lost a significant amount of blood. The patient, CW, was not being monitored in any way, and there was no form of emergency treatment being rendered by either Dr. Dehenre or the nurses present.

- e. Dr. Dehenre was the physician performing the elective abortion procedure, and he was the physician in charge of the care of the patient, CW, at Summit at that time.
- f. Dr. Dehenre and staff at Summit directed the Birmingham Fire and Rescue crews to transport the patient, CW, by way of a steep stairway and back door to the ambulance. The crews of Rescue 2 and 3 refused to do so because that route was the more dangerous and difficult for CW and those crews. Instead, they transported the patient through the front entrance to the ambulance.
- g. The patient, CW, was transported for emergency care to UAB. She was admitted to the services of Richard Davis, M.D., surgeon. Diagnoses at admission were hemorrhagic hypovolemic shock, status post-elective abortion reportedly for 22 week gestation and failed elective abortion. The patient, CW, underwent at UAB an exploratory laparotomy, a total abdominal hysterectomy, a hypogastric artery ligation and parachute pack placement. She required 32 units of packed red blood cells, 12 units of fresh frozen

plasma and three units of platelets. She was in very critical condition at the time of removal from the operating room. She was discharged on April 9, 2002.

- h. Dr. Dehenre was not prepared for the type of severe complications experienced by patient, CW.
 - i. Dr. Dehenre was deficient in not monitoring the patient appropriately when she showed signs of excessive bleeding and developed hypovolemic shock. Dr. Dehenre did not have adequate equipment to obtain necessary IV access in an emergency situation such as CW experienced because 22 gauge needles were the largest available.
 - j. Dr. Dehenre failed to communicate with the hospital emergency room to which CW was transported.
 - k. Dr. Dehenre failed to protect and promote the safety and welfare of his patient when he directed the Rescue crews to use back stairs as opposed to the front elevator.
 - l. Dr. Dehenre was unaware of the possibility of a perforated uterus despite the fact that CW had at least 2 prior C-sections and had copious vaginal bleeding.
 - m. In summary, all of the facts stated herein show actions and omissions by Dr. Dehenre which were detrimental and harmful to patient, CW, and which violated the standards of medical diligence and prudence demanded of physicians licensed to practice medicine in Alabama.
4. In support of the allegation that the Respondent practiced medicine in such a manner as to endanger the health of the patient of the practitioner in violation of § 34-24-360

(3), Code of Alabama (2002), the Board alleges the following:

- a. The Board reasserts the facts stated in paragraphs 3 (a) through 3 (l) herein.
- b. In summary, the actions and omissions of Dr. Dehenre concerning the medical care he rendered to patient, CW, exposed CW to unreasonable risks of harm which were not medically justified by the expected benefits to the patient.

5. In support of the allegation that the Respondent practiced medicine in such a manner as to constitute gross malpractice or repeated malpractice or gross negligence in violation of §34-24-360 (9), Code of Alabama (2002), the Board alleges the following:

- a. The Board reasserts the facts stated in paragraphs 3 (a) through 3 (l) herein.
- b. The actions and omissions of Dr. Dehenre concerning the medical care he rendered to the patient, CW, show that Dr. Dehenre failed to do that which a reasonably prudent physician would have done under the same or similar circumstances, that he did what a reasonably prudent physician would not have done under the same or similar circumstances and that his actions were done and omissions made with a conscious disregard of the known dangers to the patient, CW, and with careless and reckless indifference to the consequences of his acts and omissions. In summary, the medical care rendered to patient, CW, by Dr. Dehenre was below the standard of care expected of physicians licensed to practice medicine in Alabama and was rendered with conscious disregard of known dangers to the patient, CW, and with careless and reckless indifference to those dangers.

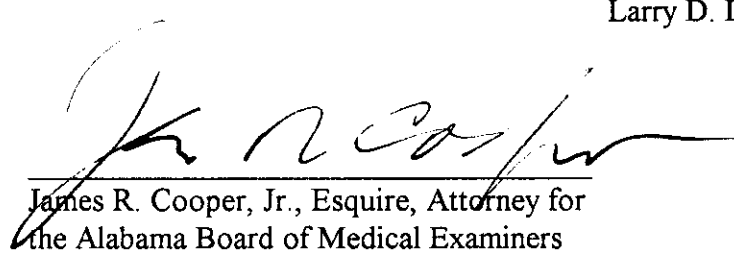
Wherefore, the foregoing premises considered, the Board respectfully requests that the Medical Licensure Commission take jurisdiction of this Administrative Complaint, set a hearing thereon, and order that the Respondent, MALACHY DEHENRE, M.D. appear and answer the allegations contained in this complaint, in accordance with the rules and regulations of the Medical Licensure Commission. Further, the Board requests that at the conclusion of the hearing, the Commission revoke the license to practice medicine of the Respondent for violation of the Code Sections cited previously and/or take such other actions as the Commission may deem appropriate based on the evidence presented for its consideration.

This Administrative Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board as contained in its resolution of December 17 , 2003, a copy of which is attached hereto and incorporated herein.

EXECUTED this 26th day of Jan., 2004.



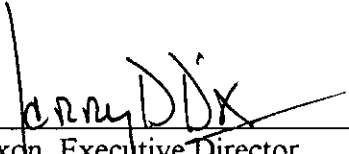
Larry D. Dixon, Executive Director



James R. Cooper, Jr., Esquire, Attorney for
the Alabama Board of Medical Examiners
P. O. Box 946
Montgomery, AL 36101-0946
Telephone # (334) 242-4116


STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama Board of Medical Examiners, has executed the contents of the foregoing complaint and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.



Larry D. Dixon, Executive Director
Alabama State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 26th day of Jan, 2004.



Notary Public
My Commission Expires: 10-1-07

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

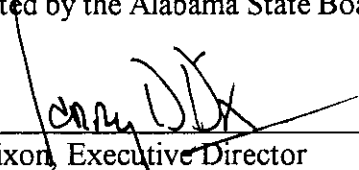
A F F I D A V I T

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

The Alabama State Board of Medical Examiners in session on December 17, 2003, a quorum of the members of the Board being present, conducted an investigation into the medical practice of MALACHY DEHENRE, M.D., and at the conclusion of the discussion, the Board adopted the following resolution:

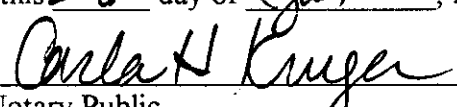
MALACHY DEHENRE, M.D., Birmingham. The Credentials Committee recommended filing an Administrative Complaint with the Medical Licensure Commission based on unprofessional conduct, gross negligence and practicing medicine in such a manner as to endanger the health of the patient. The motion was adopted.

I further certify that the foregoing resolutions were adopted by the Alabama State Board of Medical Examiners on the 17th day of December, 2003.



Larry D. Dixon, Executive Director
Alabama State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 26th day of Jan, 2004.



Notary Public

My Commission Expires: 10-1-07